

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FREDERICK DEE BUNTIN,	)	CASE NO. 8:09CV49
	)	
Plaintiff,	)	
	)	
v.	)	MEMORANDUM
	)	AND ORDER
COUNTY OF BAY, PANAMA CITY,	)	
FLORIDA,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. On March 30, 2009, the court entered a Memorandum and Order requiring Plaintiff to "either tender a \$350.00 filing fee to the Clerk of the court or submit a request to proceed in forma pauperis and an affidavit of poverty in support thereof" by April 7, 2009. (Filing No. [6](#) at CM/ECF p. 1.) The court warned Plaintiff that if he failed to comply this case would be dismissed "without further notice." (*Id.* at CM/ECF p. 2.) It is now April 16, 2009, and Plaintiff has not responded to the court's Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.; and
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 16<sup>th</sup> day of April, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Court